

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA
PITTSBURGH

UNITED STATES OF AMERICA,

vs.

TYLER SEEVERS,

Defendant.

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2:15-CR-00043-DWA

AMBROSE, United States Senior District Judge

ORDER

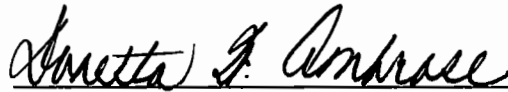
At the conclusion of the sentencing hearing on March 14, 2016, defense counsel orally moved for presentence credit for Defendant, requesting that the court reduce the sentence of 270 months by 14 months, to account for time Defendant was in state custody from his arrest until he was released to federal custody.

Defense counsel relies on the "spirit" of U.S.S.G. §5G1.3(b)(1), which directs a court to adjust a sentence for a period of imprisonment already served on an undischarged term of imprisonment if that period of imprisonment will not be credited by the Bureau of Prisons.

Both the U.S. and Defendant agree that 18 U.S.C. §3585(b) prohibits the Bureau of Prisons from giving credit to Defendant for time he spent in state custody, as Defendant is not yet serving a state sentence. He is scheduled to appear for sentencing in state court on May 5, 2016 and, by agreement, will receive a sentence of 5 to 10 years at each of 2 counts charging Aggravated Indecent Assault of a Child, to be served consecutively to each other and concurrently with the federal sentence of 270 months.

Based on the language of both 18 U.S.C. §3585(b) and U.S.S.G. §5G1.3(b), I deny Defendant's motion, because he has not yet been sentenced in state court and because the offenses for which he was sentenced in federal court are distinctly different from those he faced in state court.

BY THE COURT:

A handwritten signature in cursive script, reading "Donetta W. Ambrose", written in black ink.

Donetta W. Ambrose, U.S. Senior District Judge

DATED this 30th day of March, 2016.